

IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS SOUTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

FILED

JUN 12 2008

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

KARL SHACKELFORD, PRO SE,  
A.K.A. KARL LYNN SHACKELFORD,  
A.K.A. KARL LYNN McGEE,  
TDCJ-CID #1368700,

Plaintiff,

v.

TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, Neal Unit,  
OFFICER D. McCLURE,  
OFFICER NFN WILLIAM,  
OFFICER NFN FRANKLIN,  
OFFICER NFN THOMPSON, and  
R. AGUIRRE, Captain,

Defendants.

§ 2:07-CV-0163

§

**ORDER OF DISMISSAL**

Plaintiff KARL SHACKELFORD, also known as KARL LYNN SHACKELFORD, also known as KARL LYNN McGEE, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On May 19, 2008, a Report and Recommendation was issued by the United States Magistrate Judge recommending plaintiff's claims against defendants McCLURE, WILLIAM, FRANKLIN, THOMPSON, and AGUIRRE be dismissed with prejudice to being asserted again until the *Heck* conditions are met, *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996), and that plaintiff's claims against defendant TEXAS DEPARTMENT OF CRIMINAL JUSTICE be dismissed without prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1).

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Claims by plaintiff KARL SHACKELFORD, also known as KARL LYNN SHACKELFORD, also known as KARL LYNN McGEE, against defendants OFFICER D. McCLURE, OFFICER NFN WILLIAM, OFFICER NFN FRANKLIN, OFFICER NFN THOMPSON, and R. AGUIRRE, Captain, are DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET, *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996), and that plaintiff's claims against defendant TEXAS DEPARTMENT OF CRIMINAL JUSTICE are DISMISSED WITHOUT PREJUDICE PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1).

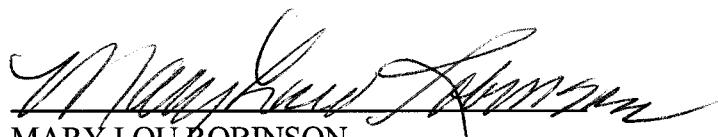
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 12 day of June, 2008.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE